

VZCZCXRO5736  
OO RUEHBZ RUEH DU RUEHJO RUEHMR RUEHRN  
DE RUEHSB #0966/01 3011553  
ZNR UUUUU ZZH  
O 271553Z OCT 08  
FM AMEMBASSY HARARE  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3620  
INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE  
RUEHAR/AMEMBASSY ACCRA 2382  
RUEHDS/AMEMBASSY ADDIS ABABA 2502  
RUEHRL/AMEMBASSY BERLIN 1006  
RUEHBY/AMEMBASSY CANBERRA 1778  
RUEHDK/AMEMBASSY DAKAR 2133  
RUEHKM/AMEMBASSY KAMPALA 2558  
RUEHNR/AMEMBASSY NAIROBI 4986  
RUEAIIA/CIA WASHDC  
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK  
RHMFISS/EUCOM POLAD VAIHINGEN GE  
RHEFDIA/DIA WASHDC  
RUEHGV/USMISSION GENEVA 1651  
RHEHAAA/NSC WASHDC

UNCLAS SECTION 01 OF 03 HARARE 000966

SENSITIVE  
SIPDIS

AF/S FOR B. WALCH  
DRL FOR N. WILETT  
ADDIS ABABA FOR USAU  
ADDIS ABABA FOR ACSS  
STATE PASS TO USAID FOR E. LOKEN AND L. DOBBINS  
STATE PASS TO NSC FOR SENIOR AFRICA DIRECTOR B. PITTMAN

E.O. 12958: N/A  
TAGS: [PGOV](#) [PREL](#) [ASEC](#) [PHUM](#) [KDEM](#) [ZI](#)  
SUBJECT: BUSINESS AS USUAL: POLICE TEAR GAS PROTESTERS,  
WOZA LEADERS DENIED BAIL

REF: A. HARARE 934  
[B](#). HARARE 592  
[C](#). HARARE 479

-----  
SUMMARY  
-----

[1](#)1. (SBU) In the face of ongoing SADC-sponsored negotiations, the GOZ continues to use violence to stifle free expression. At 9:00 am this morning, several civil society groups led two different protests of hundreds of people to the area outside Rainbow Towers, the hotel where the negotiations were to begin later in the morning, only to be greeted by police who arrested and beat women and students and used tear gas to break up their protests. Simultaneously in Bulawayo, leaders of Women of Zimbabwe Arise (WOZA) were denied bail following their arrest during a protest there on October 16. END SUMMARY.

-----  
Women Arrested While Praying for Zimbabwe  
-----

[1](#)2. (SBU) On the morning of October 27, about 100 women -- wearing black and white to represent suffering and peace -- began to gather outside Rainbow Towers, the downtown Harare hotel that has been home to the negotiations. Approximately 800 women from a dozen civil society organizations including WOZA, Women's Alliance, the Combined Harare Residents' Association (CHRA), the Progressive Teachers' Union of Zimbabwe (PTUZ), the Zimbabwe Congress of Trade Unions (ZCTU), and the General Agriculture and Plantation Workers of Zimbabwe (GAPWUZ) planned to present a petition to the SADC Troika at Rainbow Towers. Their message was "Finish the talks, we are dying of hunger". When the first group of women arrived, police denied them access to the Rainbow Towers compound, and they retreated to a nearby field facing the building where they began to pray while waiting for the

rest of the women to arrive. Shortly after they moved to the nearby field, police dispersed the group with tear gas and beat them with batons. They arrested at least 42 women. Witnesses reported police beat passersby who were coincidentally Qaring black or white. Counseling Services Unit, a local NGO that treats victims of political violence, estimates that about 20 women have sought medical attention for their injuries. Zimbabwe Lawyers for Human Rights (ZLHR) dispatched five lawyers to Harare Central police station, where, seven hours later, police continue to deny them access to the arrested women.

-----  
Student March Met With Tear Gas  
-----

¶3. (SBU) Simultaneously, Youth Agenda Trust led a demonstration of about 200 students from Youth Forum, Student Christian Movement of Zimbabwe, and Zimbabwe National Students Union (ZINASU) down one of Harare's main streets towards Rainbow Towers. The students planned to present the SADC Troika with a petition calling for a logical and balanced power-sharing agreement and highlight the need for SADC and the AU to pressure Mugabe to share power equitably with Morgan Tsvangirai. The students handed out a half-page flyer detailing their demands for a political solution. While police initially let the students march peacefully, riot police then fired tear gas grenades and beat up some of the protesters as well as others who happened to be in the busy downtown area. Riot police also had a water canon truck

HARARE 00000966 002 OF 003

on standby. ZLHR is looking for three students who were reportedly arrested, but has not yet been able to locate them.

-----  
After 12 Days in Jail, WOZA Leaders Denied Bail  
-----

¶4. (SBU) Also on the morning of October 27, Bulawayo magistrate Charity Maphosa denied bail to Jenni Williams and Magodonga Mahlangu, leaders of Women of Zimbabwe Arise (WOZA), in connection with their arrest on October 16. The two were arrested when they led a protest of about 200 women to the Mhlahlandlela Government Complex in Bulawayo to demand food aid and declaration of a national emergency. Williams and Mahlangu appeared in court on October 17, facing charges of disturbing the peace. Immediately before the initial hearing, the state prosecutor and defense lawyer, Kossam Ncube, set conditions and the amount of bail; the state prosecutor said he would not oppose bail. However, when the hearing started, a new prosecutor appeared and took over the case.

¶5. (SBU) The state prosecutor proceeded to claim that the two should be denied bail because of an outstanding case pending against them, referring to a case that was removed from remand in a Harare magistrate's court on October 15. In that case, the magistrate told the state to come to court on October 15 prepared to try 14 WOZA members in connection with their May 28 arrest (reftels). When the prosecutor appeared unprepared, the magistrate removed the case from remand. (NOTE: Removing a case from remand means it is no longer pending, although the state has not officially dropped the charges. END NOTE.) In the October 17 hearing, the state argued that Williams and Mahlangu should be denied bail because their May 28 case was still pending. The magistrate allowed the state prosecutor until October 21 to verify the status of the May 28 case.

¶6. (SBU) In court on October 21, the state argued that the two should be denied bail because of four different cases against them dating back to 2004. The state called a police detective, Sergeant Ncube, who testified that, in one of the long-pending cases, he could not present Williams and Mahlangu with a summons because he could never find them at

their stated addresses. The state went on to argue that the two had committed similar offenses and were likely to do so again. The prosecutor argued that the magistrate should ignore the fact that their arrests had been for crimes that were not serious. He also said that in a 2007 arrest, Williams and Mahlangu had lied when asked if they had any cases pending against them. (NOTE: The "pending" cases had been removed from remand, which legally means they are no longer pending. END NOTE.) The magistrate decided to reserve judgment until October 24. On October 24, however, the magistrate was unavailable and reported she was "forced" to attend a workshop and could not deliver the verdict.

17. (SBU) After spending 11 days in jail, the magistrate denied the two women bail on October 27, claiming the two had two cases pending against them, making it likely they would commit similar offenses again. She also noted that the political climate in Zimbabwe means that "people are easily excitable" and could be moved to violence if they saw a demonstration. The defense will lodge an appeal to the High Court.

-----  
COMMENT  
-----

HARARE 00000966 003 OF 003

18. (SBU) While the SADC Troika and Zimbabwe's politicians meet, the Zimbabwean people are growing increasingly impatient with the continued impasse. The beatings, arrests, and denial of bail in clear contravention of the principles set out in the September 15 agreement indicate business as usual and lack of good faith on the part of ZANU-PF/GOZ. Rule of law and respect for human rights and the provisions of the September 15 agreement remain elusive in Zimbabwe.  
END COMMENT.

MCGEE